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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LY, ANH VU H

ART UNIT PAPER NUMBER

2616

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/346,884

Applicant(s)

SHAH, NIRAT BHUPESH

Examiner

Anh-Vu H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 1-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 23, 2006 has been entered.

Claim Objections

2. Claims 1-13 are objected to because of the following informalities:

With respect to claim 1, in line 3, replace "digital signal" with --digital telephone signal-- Further, as recited in line 9, "a second type of codec" since there is a second type of codec then there must be a first type of codec; however, first type of codec is not recited in the claim.

Claims 2-13 are automatically objected to as they depend upon objected independent claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vargo et al (US Patent No. 6,356,545) in view of Bauer et al (US Pub No. 2001/0008556 A1) and further in view of Riddle (US Patent No. 6,175,856). Hereinafter, referred to as Vargo, Bauer, and Riddle.

With respect to claims 1 and 17, Vargo discloses a device comprising a DSP module enabled to receive an analog telephone signal to convert the analog telephone signal to a digital signal and further to packetize the digital telephone signal for transmission to a remotely-located device (Fig. 1 illustrates an operation of the Internet telephone system. Therefore, placing a call over the Internet, first of all, the received analog signal from the call initiator must be digitized and packetized into packets, performed by a processor or DSP, before transmitting to the remotely located device).

Vargo does not disclose that the device and the remotely located device enabled to negotiate a codec by each sending to the other one a list of one or more types of codecs that each supports and each deciding to use a mutually supported codec through the use of a predetermined protocol. Riddle discloses in Figs. 5 and 6, that the sender/initiator and the receiver exchanging information regarding list of codecs that each can support and selecting a best codec from the list of exchanged codecs. Further, Riddle discloses in Figs. 1 and 2, a system for supporting teleconference between plurality of workstations and routers connecting different networks. Such system is implemented by a specific protocol therefore the step of exchanging information is also carried out by using such specific protocol. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the features of exchanging

list of codecs between the sender and the receiver and selecting a best codec from the lists of exchanged codecs in Vargo's system, as suggested by Riddle, to maximize system's efficiency.

Vargo does not disclose that during communications between the remotely-located device and the DSP module, the DSP module enabled to renegotiate the use of a second type of codec and switch to using the second codec upon detection of signal degradation based on statistics from the DSP module and wherein the type of codec being utilized may be repeatedly, mutually, renegotiated to dynamically change compress techniques and switching between the codecs is performed during a call. Bauer discloses (page 2, 9th paragraph and page 3, paragraphs 27th to 30th) that the initiating device inserts a notification in a field of the packet header to inform the recipient device that subsequent packets will be encoded with a different specified algorithm, until further notice, to maximize network utilization. Thereafter, the recipient device can load the appropriate coded to properly decode the received packets. In a further variation, the notification of a coded change or the current code can be repeatedly included in the packet header at periodic intervals, or repeated a predetermined number of times in successive packets.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the features of having the source and the destination, repeatedly, mutually, renegotiated for the new type of codec in response to the network conditions in Vargo's system, as suggested by Bauer, to accommodate QoS and effectively manage the bandwidth of a packet telephony system.

With respect to claims 2-4, Vargo, Riddle, and Bauer have addressed all the limitations as recited in the independent claim 1. Vargo does not disclose that wherein switching between the

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codes is initiated by a user of one of the telephone devices; a predetermined code is assigned to each codec, the user specifies the type of codec to be switched to by entering the predetermined code corresponding to a desired codec and predetermined code is programmably-alterable.

However, switching initiated by a user and predetermined code are well known in the art such a TV remote controller, wherein a user can select different channels to view and wherein the remote controller can be programmed to store a number of channels with associated "hot keys".

Wherein, each "hot key" is corresponded with a channel and a user can press that "hot key" to turn to that specific channel. User can re-program the remote controller to different "hot keys" associated with different channels at another time. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a method of user initiating and assigned predetermined code, which is re-programmable, for each codec in Vargo's system, to increase system's functionalities.

With respect to claims 5-8, Vargo discloses that the device enabled to switch from a codec resulting in the use of larger packet sizes to a codec resulting in smaller packet sizes in response to detecting a lower available bandwidth on a packet switching network and vice versa (col. 11, lines 18-22 discloses that voice port 61 responds to changing network conditions to maintain speech quality, it is possible to vary the size of the individual packets or to vary the bundling-of the packets by techniques that are well known in the art. This implies that larger sized packets are reduced to smaller sized packets when low in bandwidth and vice versa).

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With respect to claim 9, Vargo discloses that remotely-located device is enabled to detect the degradation in the quality of the voice information (the voice port adjusts by selecting the Voxware 2.9kbits/sec algorithm having somewhat lower sound quality, but with two level redundancy error correction after noticing dropped packets, herein, detecting the degradation in the quality of voice information, as disclosed in col. 10, lines 46-67 and Fig. 11a).

With respect to claim 10, Vargo discloses wherein the degradation in the quality of the voice information is due to loss of one or more packets (after noticing dropped packets, e.g., loss of one or more packets, the voice port adjusts by selecting the Voxware 2.9kbits/sec algorithm having somewhat lower sound quality, but with two level redundancy error correction, as disclosed in col. 10, lines 46-67 and Fig. 11a).

With respect to claim 11, Vargo discloses wherein a threshold defines the number of lost packets that are tolerated and the device is enabled to trigger a decision to switch to the second type of codec (after noticing dropped packets, the voice port adjusts by selecting the Voxware 2.9kbits/sec algorithm having somewhat lower sound quality, but with two level redundancy error correction, as disclosed in col. 10, lines 46-67 and Fig. 11a. Herein, the threshold defines the number of lost packets).

With respect to claim 12, Vargo discloses that wherein a plurality of packets form a message and each packet includes a sequence number indicative of the position of the packet with respect to other packets in the same message, the sequence numbers of the same message

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being in sequential order (a stream of voice data 200 includes a plurality of data packets numbered 1 through 10, where each packet further contains a plurality of data bytes indicated by the letters in Fig. 8a to 8d). Vargo discloses that wherein a loss of packets is detected when one or more sequence numbers are missing from the received packets of the same message (after noticing dropped packets, herein, packets are not received in sequential order, the voice port adjusts by selecting the Voxware 2.9kbits/sec algorithm having somewhat lower sound quality, but with two level redundancy error correction, as disclosed in col. 10, lines 46-67 and Fig. 11a).

With respect to claim 13, Vargo discloses that wherein the degradation in the quality of the voice information is due to an intolerable delay associated with the time for a packet to travel between the device and the remotely-located device (since Internet is built to transfer data packets rather than continuous streams of sound, there may be delays and losses and the voice port 61 responds to changing network conditions, as disclosed in col. 1, lines 40-43).

With respect to claim 18, Vargo discloses that the codec negotiation is performed pursuant to H.245 protocol (Fig. 1 discloses Internet telephone systems; wherein, H.245 protocol is known for exchanging signaling messages).

With respect to claim 19, Vargo discloses that the first type of codec includes a compression/decompression algorithm defined by any one of the standards: G.711, G.726, G.729, or G723.1 (assuming the voice port begins with the commercially available TrueSpeech codec algorithm, which encodes speech at 8.5kbits/sec and with no redundancy, as discloses in

col. 10, lines 46-67 and Fig. 11a). Vargo discloses that second type of codec utilizes a compression/decompression algorithm defined by any one of the standards: G.711, G.726, G.729, or G723.1 (after noticing dropped packets, the voice port adjusts by selecting the Voxware 2.9kbits/sec algorithm having somewhat lower sound quality but with two level redundancy error correction, as disclosed in col. 10, lines 46-67 and Fig. 11a).

Response to Arguments

4. Applicant's arguments filed May 23, 2006 have been fully considered but they are not persuasive.

Applicant argues in page 5 that Riddle does not disclose that during communications between the remotely-located device and the DSP module, the DSP module is to renegotiate the use of a second type of codec upon detection of signal degradation based on statistics from the DSP module and wherein the type of codec being utilized may be repeatedly, mutually, renegotiated to dynamically change compression techniques and switching between the codecs is performed during a call. However, as stated in the rejections of independent claims 1 and 17, Riddle is not relied upon to disclose the above argued claimed limitations.

Applicant argues in page 6 that Bauer does not disclose that during communications the remotely located device and the DSP module renegotiate the use of a second type of codec and may switch to the second type of codec upon detection of signal degradation based on the statistics from the DSP module and wherein the type of codec being utilized may be repeatedly, mutually, renegotiated to dynamically change compression techniques and switching between the codecs is performed during the call.

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Examiner respectfully disagrees. Bauer discloses that the initiating device (DSP module) inserts a notification in a field of the packet header to inform the recipient device (remotely located device) that subsequent packets (during a call) will be encoded with a different specified algorithm, until further notice, to maximize network utilization. Thereafter, the recipient device can load the appropriate coded to properly decode the received packets. In a further variation, the notification of a coded change or the current code can be repeatedly included in the packet header at periodic intervals, or repeated a predetermined number of times in successive packets (page 2, 9th paragraph and page 3, paragraphs 27th–30th). Therefore, Bauer discloses the above argued claimed limitations.

Applicant further argues in page 6 that Bauer does not include a negotiation between two routers or devices. Examiner respectfully disagrees. As clearly stated in the above paragraph, Bauer discloses that the initiating device (a first router) inserts a notification in a field of the packet header to inform the recipient device (a second router) that subsequent packets (during a call) will be encoded with a different specified algorithm, until further notice, to maximize network utilization.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

avl


CHI PHAM
SUPERVISORY PATENT EXAMINER 7/17/06